

## REMARKS

Applicant wishes to thank Examiner Ms. Kieu Oanh T. Bui and Supervisory Patent Examiner Mr. Andrew Faile for the interview granted on September 26, 2002.

Applicant has reviewed the Office Action mailed August 13, 2002. In light of Examiner suggestions claims 2, 7, and 12 are being cancelled and claims 1, 3, 6, 8, 11, 13, 16, and 17 are being amended by this Response. Claims 1, 3, 6, 8, 11, 13, 16, and 17 are reproduced for the Examiner's convenience above and claims 1, 3-6, 8-11, and 13-19 are pending in the application. Applicant hereby requests further examination and reconsideration of the application in view of the amended claims and following remarks.

### Claim Rejection – 35 U.S.C. §102

Claims 1 through 19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Matthews, et al. (U.S. Patent No. 6,025,837). Applicant respectfully traverses this rejection.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik BmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1982) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1984)) (emphasis added).

Amended independent claims 1, 6, 11, 16 recite maintenance of “a subset of program information for at least one related program of a given program with program information for the given program in an electronic program guide (EPG)” and “providing information associated with the subset of program information for the at least one related program;” (emphasis added). The information associated with the subset of program information for the at least one related program includes: “episodes of recurring programs, segments of a multi-part program, programs with similar content, and programs related through an intermediate program .... An example of the last type of relationship could be a program that has content about bears' feeding habits, including

eating salmon. The bear program could be related to a program about stocking fish, including salmon, which is further related to a program about fishing in artificially stocked rivers.” (Specification, page 2, lines 7-13; page 12, line 16 to page 13, line 15) (emphasis added). Thus, the present invention provides information concerning related programs to the given program, however, the present invention also provides information on programs related, through the related programs, to the given program.

By contrast, the Matthews reference fails to disclose, teach or suggest providing information associated with the subset of program information for the at least one related program to a user (emphasis added). The Examiner refers to column 9, line 56 to column 10, line 13 of the Matthews reference as disclosing maintenance of a subset of program information for at least one related program. This passage reads:

The EPG UI 110 also includes hyperlinks 140 integrated as part of the grid. The hyperlinks are supplied with the program records received from the headend 22. These hyperlinks can be inserted into the channel tiles 122, program tiles 124, or the description window 128. In the FIG. 5 illustration, the hyperlink “More” is provided in the description window 128 to reference target resources that contain additional information about this episode of the Seinfeld show. Other Hyperlinks in the description window 128 include “Last Week” which references a target resource containing information on the previous week episode, and “comedy club” which links to a target resource having video coverage of comedian Jerry Seinfeld performing at night clubs. The target resources referenced by the hyperlinks might be located at the headend (FIG. 1 implementation), or at an independent service provider (FIG. 3 implementation). The target resource might further be located locally, having been pre-cached by the system. For instance, the system might pre-cache supplemental information about certain shows before they air based on predictive viewing tendencies, or as part of a promotional data broadcast advertising the show. This permits local interactive functionality between the viewer and viewer computing unit, in addition to full network interactive functionality between the viewer and the program provider.

Matthews column 9, line 56 to column 10, line 13 (emphasis added). The Matthews reference teaches a user interface which provides access to hyperlinks, which then provide web sites that contain the “additional information about this episode”. Thus, it is not the user interface of the Matthews reference but the web sites that provide additional information. Further, the user interface in the Matthews reference does not disclose, teach, or suggest providing information associated with the subset of program

information for the at least one related program to a user" (emphasis added); instead, the Matthews reference is limited in scope to providing hyperlinks to web sites including information related to the current program. The scope of the supplemental information accessible through the hyperlinks, as outlined in the Matthews reference, is described in the Matthews reference at FIG. 1 and column 7, lines 16 through 21. This passage reads:

Examples of possible supplemental content include interactive questions or games related to the program, additional trivia on the movies or TV shows, advertisements, available merchandise or other memorabilia, Web pages to programs of similar type or starring the same actors/actresses, and so on.

Matthews column 7, lines 16 through 21. Thus, the scope of the Matthews reference does not anticipate providing information associated with the subset of program information for the at least one related program (emphasis added). The "hyperlinks" in the Matthews reference are provided for the purpose of helping a viewer to identify Web sites associated with a particular program. This is described in the Matthews reference column 4, lines 59-65. This passage reads:

By integrating the hyperlinks within the EPG UI, the viewer can readily identify supplemental information to the programs and access that information directly from the EPG. The viewer no longer needs to remember that there may be a Web site associated with a particular program or channel, nor is the viewer relegated to surfing the Internet from a separate machine to find any related content.

Matthews column 4, lines 59-67 (emphasis added). This identifies that the purpose of these hyperlinks, in the Matthews reference, is to provide Internet access to Web sites through the EPG, not provide information associated with the subset of program information for the at least one related program (emphasis added).

Additionally, the the Examiner refers to Fig. 4/items 92, 96, 101, 104 and column 8, lines 20-67 of the Matthews reference as disclosing maintenance of a subset of program information for at least one related program. This passage reads:

FIG.4 shows a user interface unit, referenced generally as numeral 90, in more detail. The user interface unit 90 includes a processor 92, a volatile memory 94, and a program memory 96. the user interface unit 90 also has at least one receiver, and possibly two receivers, for receiving the video streams from the headend and the digital supplemental data from the headend or ISP. The first receiver is in the form of a tuner 98 which tunes

to the channel or broadcast frequency to receive a video data stream from a program source, such as the headend or other program provider. The second receiver, referenced generally as 100, can be a second tuner for receiving the content over a cable or wireless distribution network, or a modem for receiving the supplemental content over the Internet or other data network.

The viewer computer runs an operating system 101 which supports multiple applications. The operating system 101 is stored in memory and executes on the processor. The operating system is preferably a multitasking operating system which allows simultaneous execution of multiple applications. The operating system 101 employs a graphical user interface windowing environment which presents the applications or documents in specially delineated areas of the display screen called "windows." One preferred operating system is a Windows® brand operating system sold by Microsoft Corporation, such as Windows® 95 or Windows® NT or other derivative versions of Windows®. However, other operating systems which provide windowing environments may be employed, such as the Macintosh operating system from Apple Computer, Inc. and the OS/2 operating system from IBM.

A channel navigator application 102 is stored in program memory 96 and executes on the processor 92 to control the tuner(s) 98 and 100 to select a desired channel for receiving the video content programs. An EPG application 104 is stored in program memory 96 and executes on the processor 92 to organize programming information downloaded from the EPG server at the headend. The EPG 104 supports a displayable user interface (UI) which visually correlates programs titles to scheduled viewing times and tuning information, such as a channel, as will be described below with reference to FIG. 5. The user interface unit 90 also has a browser 106 which is kept in memory 96 and dynamically loaded on processor 92 when needed to render content, such as a hypertext document, from an ISP or other content provider. The browser can be implemented as a hyperlink browser, or more particularly, as an Internet Web browser.

Matthews, column 8, lines 20-67 (emphasis added). However, this ""EPG application" in the Matthews reference does not include providing program information associated with the subset of program information for the at least one related program. Instead, it includes organizing "programming information downloaded from the EPG server at the headend" and supporting "a displayable user interface." In other words, the application 104 in Matthews only inserts the appropriate data records it receives in the appropriate location of the EPG user interface. As discussed above, the "More" hyperlink, which application 104 is responsible for appropriately locating, provides

“supplemental information” regarding only the selected program and does not provide information associated with the subset of program information for at least one related program, including programs related through an intermediate program. Thus, a user of the system disclosed in Matthews is not able to retrieve information associated with the subset of program information for the at least one related program as recited in amended independent claims 1, 6, 11 and 16, and the claims depending therefrom.

Amended dependent claims 2, 7, and 12 have been deleted from the present application and therefore require no further examination. The maintaining the program information for the given program, including the subset of program information for the at least one related program, in an electronic program guide (EPG), recited in the original claims 2, 7, and 12 has been included within amended independent claim 1. Thus, the limitation of providing the method of amended claim 1 within an electronic program guide is not new matter and has already been searched by the Examiner. Therefore, the Examiner may limit a search to the art of record in the present application.

Amended claims 3, 8, 13, and 17 are believed to be allowable based on dependence from amended independent claims 1, 6, 11, and 16. However, the rejection of the amended claims is respectfully traversed for the following reasons.

Amended dependent claims 3, 8, 13, and 17 recite obtaining user input based on the information provided; and performing program events based on the user input. This includes obtaining user input and performing program events based on user input from the information associated with the subset of program information for the least one related program of the given program provided by amended independent claims 1, 6, 11, and 16 from which claims 3, 8, 13, and 17 depend.

By contrast, the Matthews reference fails to disclose, teach, or suggest the providing of information associated with the subset of program information for the least one related program of the given program. The Examiner refers to Fig. 5, and column 9/line 55 to column 10/line 14 of the Matthews reference as disclosing the providing of information associated with the subset of program information for the at least one related program. The Examiner argues that this is accomplished by the “MORE” 140 hyperlink, the “Last week” hyperlink and the “Comedy Club” hyperlink of the Matthews reference,

which a viewer can access through the EPG. For the same reasons, as stated under the argument for amended independent claim 1, this argument fails.

The EPG UI 110 also includes hyperlinks 140 integrated as part of the grid. The hyperlinks are supplied with the program records received from the headend 22. These hyperlinks can be inserted into the channel tiles 122, program tiles 124, or the description window 128. In the FIG. 5 illustration, the hyperlink "More" is provided in the description window 128 to reference target resources that contain additional information about this episode of the Seinfeld show. Other Hyperlinks in the description window 128 include "Last Week" which references a target resource containing information on the previous week episode, and "comedy club" which links to a target resource having video coverage of comedian Jerry Seinfeld performing at night clubs. The target resources referenced by the hyperlinks might be located at the headend (FIG. 1 implementation), or at an independent service provider (FIG. 3 implementation). The target resource might further be located locally, having been pre-cached by the system. For instance, the system might pre-cache supplemental information about certain shows before they air based on predictive viewing tendencies, or as part of a promotional data broadcast advertising the show. This permits local interactive functionality between the viewer and viewer computing unit, in addition to full network interactive functionality between the viewer and the program provider.

Matthews column 9, line 56 to column 10, line 13 (emphasis added). The Matthews reference teaches a user interface which provides access to hyperlinks, which then provide web sites that contain the "additional information about this episode". Thus, it is not the user interface of the Matthews reference but the web sites that provide additional information. Further, the user interface in the Matthews reference does not disclose, teach, or suggest providing information associated with the subset of program information for the at least one related program to a user" (emphasis added); instead, the Matthews reference is limited in scope to providing hyperlinks to web sites including information related to the current program. The scope of the supplemental information accessible through the hyperlinks, as outlined in the Matthews reference, is described in the Matthews reference at FIG. 1 and column 7, lines 16 through 21. This passage reads:

Examples of possible supplemental content include interactive questions or games related to the program, additional trivia on the movies or TV shows, advertisements, available merchandise or other memorabilia, Web pages to programs of similar type or starring the same actors/actresses, and so on.

Matthews column 7, lines 16 through 21. Thus, the scope of the Matthews reference does not anticipate providing information associated with the subset of program information for the at least one related program (emphasis added). The “hyperlinks” in the Matthews reference are provided for the purpose of helping a viewer to identify Web sites associated with a particular program. This is described in the Matthews reference column 4, lines 59-65. This passage reads:

By integrating the hyperlinks within the EPG UI, the viewer can readily identify supplemental information to the programs and access that information directly from the EPG. The viewer no longer needs to remember that there may be a Web site associated with a particular program or channel, nor is the viewer relegated to surfing the Internet from a separate machine to find any related content.

Matthews column 4, lines 59-67 (emphasis added). This identifies that the purpose of these hyperlinks, in the Matthews reference, is to provide Internet access to Web sites through the EPG, not to provide information associated with the subset of program information for the at least one related program (emphasis added).

Claims 4, 5, 9, 10, 14, 15, 18, and 19 are believed to be allowable based on dependence from amended independent claims 1, 6, 11, and 16. However, the rejections of the dependent claims is respectfully traversed for the following reasons.

Dependent claim 4 recites “wherein the action of performing program events includes recording the given program and the at least one related program.”

By contrast, the Matthews reference fails to disclose, teach or suggest the recording of a given program and the at least one related program. The Examiner refers to Fig. 8/step 216 and column 12/lines 18-29 of the Matthews reference as disclosing the recording of a given program and the at least one related program. This passage reads:

On the other hand, suppose that the time is only 8:00 PM, and the Seinfeld program is not scheduled to start for another hour. In this case (i.e., the “no” branch from step 210), the user interface unit can perform one or two operations. First, the user interface unit can invoke some code to reference a target resource having information on the Seinfeld program (step 214 in FIG. 8). For instance, the instruction might call for invoking the Web browser 106 to render an NBC Web page for information on “Seinfeld.” A second operation might be to initiate a routine which will record the program “Seinfeld” when the program begins playing at 9:00 PM (step 216 in FIG. 8)

Matthews column 12, lines 18-29 (emphasis added). However, this “routine which will record the program Seinfeld” in the Matthews reference does not include recording an at least one related program as well. Instead, the “routine” is only enabled to record the given program “Seinfeld” or invoke a Web browser.

Dependent claim 5 recites “wherein the subset of program information is appended to the program information for the given program”.

By contrast, the Matthews reference fails to disclose, teach or suggest appending the subset of program information to the program information for a given program. The Examiner refers to column 9/line 34 to column 10/line 20 of the Matthews reference as disclosing that, “as the user clicks on the program information of the given program, the subset of program information is displaying.” However, the “subset of program information” to which the Examiner refers, as described by the Matthews reference column 9, line 34 to column 10, line 20, is either descriptive text about the given program or hyperlinks to Web sites and does not include appending the subset of program information, including program information associated with the subset of program information, to the program information of the given program.

Dependent claim 8 recites “providing information associated with the subset of program information for the at least one related program to a user; obtaining user input based on the information provided; and performing program events based on the user input.”

By contrast, the Matthews reference fails to disclose, teach or suggest “providing information associated with the subset of program information for the at least one related program.” The Examiner refers to Fig. 5, and column 9/line 55 to column 10/line 14 of the Matthews reference as disclosing the providing of information associated with the subset of program information for the at least one related program. The Examiner argues that this is accomplished by the “MORE” 140 hyperlink, the “Last week” hyperlink and the “Comedy Club” hyperlink of the Matthews reference, which a viewer can access through the EPG.

By integrating the hyperlinks within the EPG UI, the viewer can readily identify supplemental information to the programs and access that information directly from the EPG. The viewer no longer needs to remember that there may be a Web site associated with a particular



program or channel, nor is the viewer relegated to surfing the Internet from a separate machine to find any related content.

Matthews column 4, lines 59-67 (emphasis added). This passage recites the providing of hyperlinks to “a Web site associated with a particular program” and not providing information associated with a subset of program information for an at least one related program.

Dependent claim 9 recites “a recording device”.

By contrast, the Matthews reference fails to disclose such a “recording device”. The Examiner refers to Fig. 8/item 216, and column 9/lines 45-55 of the Matthews reference as disclosing a recording device. However, FIG. 8, step 216 indicates only a procedure to “initiate recording procedures”. Further, the written description of step 216, located at column 12, line 27 of the Matthews reference discloses only “to initiate a routine which will record the program”. Further, the Matthews reference does not identify initiating a recording routine for anything but the given program. Additionally, the Examiner refers to column 9, lines 45-55 of the Matthews reference as disclosing a recording device. This passage reads:

by the headend 22 from the EPG server 44. The data maintained in data structure 48 (FIG. 2) is transmitted as program records to the user interface unit and cached in local memory. Data records for upcoming programs can be downloaded on a periodic basis, or alternatively, individual data records for certain programs and channels can be selectively transmitted in response to viewer requests. The EPG 104 inserts the appropriate data records into the EPG UI for display as the viewer maneuvers the focus frame 126 around the grid.

Matthews column 9, lines 45-55 (emphasis added). Nowhere in this Matthews reference is a recording device taught, disclosed or suggested. Instead the cited passage is discussing “data records” for “upcoming” or “certain” programs.

Dependent claim 10 recites “wherein the subset of program information is appended to the program information for the given program”.

By contrast, the Matthews reference fails to disclose, teach or suggest appending the subset of program information to the program information for a given program. The Examiner refers to column 9/line 34 to column 10/line 20 of the Matthews reference as disclosing that, “as the user clicks on the program information of the given program, the

subset of program information is displaying.” However, the “subset of program information” to which the Examiner refers, as described by the Matthews reference column 9, line 34 to column 10, line 20, is either descriptive text about the given program or hyperlinks to Web sites and does not include appending the subset of program information, including program information associated with the subset of program information for the at least one related program, to the program information of the given program.

Claims 11-19 recite “a computer readable medium tangibly embodying a program of instructions implementing the method above ... in an electronic program guide; providing information associated with the subset of program information for at least one related program” and “a signal tangibly embodied in a propagation medium comprising at least one instruction configured to maintain; in an electronic program guide (EPG), a subset of program information for at least one related program of a given program with program information for the given program; at least one instruction configured to provide information associated with the subset of program information for the at least one related program; and at least one instruction configured to perform at least one program event for the given program and, based upon the subset of program information, the at least one related program and the information associated with the subset of program information for the at least one related program.” (emphasis added).

By contrast, the Matthews reference fails to disclose, teach or suggest maintenance in an electronic program guide (EPG), of information associated with the subset of program information for at least one related program. The Examiner refers to the reasons given in the scope of method and system claims 1-10 for making these rejections. However, these rejections fail for the same reasons as stated for the failure of the rejections of claims 1-10.

Therefore, applicant respectfully submits that the rejection of claims 1-19 under 35 U.S.C. 102(e) be withdrawn and pending claims 1, 3-6, 8-11, and 13-19 be allowed.

#### Amendment of Claims After Final Action -- 37 CFR §1.116

“After a final rejection or other final action (§ 1.113) in an application . . . amendments may be made canceling claims or complying with any requirement of form

expressly set forth in a previous Office action". 37 CFR § 1.116(b). Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. MPEP § 714.12.

Applicant respectfully submits that the amendment to claims 1, 3, 6, 8, 11, 13, 16 and 17 place the present application in a condition for allowance or alternately in better form for appeal. By including the limitation of a method taking place within an electronic program guide (EPG), amended independent claims 1, 6, 11, and 16 provide a sufficiently limited universe within which the invention of the present application may execute its function. Further, amended independent claims 1, 6, 11, and 16 recite providing information associated with the subset of program information for the at least one related program, thus encompassing a limitation which has not been disclosed, taught, or suggested by any reference of record in the present application.

Because the amendment merely adopts examiner suggestions and requires only a cursory review by the examiner, applicant respectfully requests the amended claims be entered under MPEP § 714.13. "The proposed amendment should be given sufficient consideration to determine whether the claims are in condition for allowance..." MPEP § 714.13.

Amended claims 1, 3, 6, 8, 11, 13, 16 and 17 merely require only a cursory review by the examiner and does not require a further search of relevant art due to the fact that the elements recited in amended independent claims 1, 6, 11, and 16 have been included within the claims of the present application since its filing date. As such, the examiner has already considered the recited elements and may limit the scope of review of the amended independent claims 1, 6, 11, and 16 to the art of record in the present application. Since the limitations recited in amended independent claims 1, 6, 11, and 16 clearly encompass a new invention that has not been recited in any prior art reference of record or combination of references of record, amended claims 1, 6, 11, and 16 place the present application in a condition for allowance without requiring more than a cursory review by the examiner.

Further, amended claims 1, 3, 6, 8, 11, 13, 16 and 17 merely adopt examiner suggestions made in the Response to Argument section of the final office action. The relevant part of the passage reads:

“However, in response to applicant’s argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., episodes of recurring programs, segments of a multi-part program, programs with similar content, and programs related through an intermediate program ...) are not recited in the rejected claim(s).”

The features noted by the examiner, “episodes of recurring programs, segments of a multi-part program, programs with similar content, and programs related through an intermediate program...” are included in the amended claims. Specifically, amended independent claims 1, 6, 11, and 16 recite providing information associated with the subset of program information for the at least one related program. The associated information encompasses the Examiner suggestions and places the claims in a condition for allowance.

Therefore, it is respectfully requested that the examiner enter the amended claims 1, 3, 6, 8, 11, 13, 16 and 17 under 37 CFR §1.116 as they place the application in condition for allowance or in better form for appeal (MPEP §714.12), adopt the examiner suggestions (MPEP § 714.13), and require no more than a cursory review (MPEP §714.13).

#### CONCLUSION

In light of the forgoing, reconsideration, entry of the amended claims, and allowance of the claims is earnestly solicited.

Respectfully submitted on behalf of  
Gateway, Inc.

Dated: October 3, 2002

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. (amended) A method comprising the actions of:
  - maintaining a subset of program information for at least one related program of a given program with program information for the given program in an electronic program guide (EPG);
  - providing information associated with the subset of program information  
for the at least one related program; and
  - performing at least one program event for the given program and, based upon the subset of program information, the at least one related program.
3. (amended) The method of Claim 1, further comprising the actions of:
  - [providing information associated with the subset of program information  
for the at least one related program to a user;]
  - obtaining user input based on the information provided; and
  - performing program events based on the user input.
4. The method of Claim 1 wherein the action of performing program events includes recording the given program and the at least one related program.
5. The method of Claim 1 wherein the subset of program information is appended to the program information for the given program.

6. (amended) A system comprising:
- at least one processor;
  - memory operably associated with said processor; and
  - a program of instructions configured to be executed by said processor and stored in said memory, said program of instructions including instructions configured to maintain a subset of program information for at least one related program of a given program with program information for the given program in an electronic program guide (EPG), provide information associated with the subset of program information for the at least one related program, and perform at least one program event for the given program and, based upon the subset of program information, the at least one related program and the information associated with the subset of program information for the at least one related program.
8. (amended) The system of Claim 6 wherein said program of instructions further includes:
- [instructions configured to provide information associated with the subset of program information for the at least one related program to a user;]
  - instructions configured to obtain user input based on the information provided; and
  - instruction configured to perform program events based on the user input.
9. The system of Claim 6 further comprising a recording device.
10. The system of Claim 6 wherein the subset of program information is appended to the program information for the given program.

11. (amended) A computer readable medium tangibly embodying a program of instructions implementing the following method:  
maintaining a subset of program information for at least one related program of a given program with program information for the given program in an electronic program guide (EPG); [and] providing information associated with the subset of program information for the at least one related program; and  
performing at least one program event for the given program and based upon the subset of program information, the at least one related program.

13.(amended) The computer readable medium of Claim 11 wherein said program of instruction further implements:  
[providing information associated with the subset of program information for the at least one related program to a user;]  
obtaining user input based on the information provided; and  
performing program events based on the user input.

14. The computer readable medium of Claim 11 wherein said program of instruction further implements recording the given program and the at least one related program.

15. The computer readable medium of Claim 11 wherein the subset of program information is appended to the program information for the given program.

16. (amended) A signal tangibly embodied in a propagation medium comprising:
- at least one instruction configured to maintain, in an electronic program guide (EPG), a subset of program information for at least one related program of a given program with program information for the given program; [and]
  - at least one instruction configured to provide information associated with the subset of program information for the at least one related program; and
  - at least one instruction configured to perform at least one program event for the given program and, based upon the subset of program information, the at least one related program[.] and the information associated with the subset of program information for the at least one related program.
17. (amended) The signal of Claim 16 wherein said program of instructions further comprises at least one instruction configured to [provide information associated with the subset of program information for the at least one related program to a user, and] obtain user input based on the information provided[,]
- and at least one instruction configured to perform the program events based on user input.
18. The signal of claim 16 wherein the action of performing program events includes recording the given program and the at least one related program.
19. The signal of Claim 16 wherein the subset of program information is appended to the program information for the given program.